

FILED  
JAMES HOGAN  
CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

07 JUL 26 PM 3:23

UNITED STATES OF AMERICA, et al., : CASE NO. C-1-02-107  
Plaintiffs, : JUDGE S. ARTHUR SPIEGEL  
-vs- : MAGISTRATE HOGAN  
BOARD OF HAMILTON COUNTY : REQUEST FOR REVIEW  
COMMISSIONERS, et al., :  
Defendants. :

I, Betty J. Brown, request that the Court review my Water-in-Basement claim, pursuant to the Court's February 2, 2006, Order. Attached hereto is the information detailing the nature of my dispute.

Respectfully submitted,

Betty J. Brown  
Signature

BETTY J BROWN  
Name (print)

7/25/07  
Date

**INFORMATION FOR REQUEST FOR REVIEW**

Name: Betty J. Brown

Address: 428 Glenwood Avenue

Cincinnati, Ohio 45229

Phone: 513-751-1835

Nature of dispute and description of your disagreement (attach additional pages if necessary):

See Attached sheet

Date of City's decision (please attach): April 27, 2007

Describe the Relief that you are seeking and any evidence that you have to support your claim. Please attach your original claim and other documents (receipts, photos, videos, etc.) that you would like the Court to review:

I want the Court to rule that the cause of the sewer backup was caused  
by problems in the sewer under the street and not on my property.

I want to be reimbursed for the total amount of the loss I suffered.

Check one:

- ☒ I would like to appear in person to explain my position to the Court.
- ☐ I do not need to appear in person. I would like the Court to issue a decision based on its review of this form and the attached documents.

Signature: Betty J. Brown

Date: 07-25-07

**\*\* File this form and any relevant documents at the Clerk of Court's office in Room 103 of the Federal Courthouse, 100 E. 5th Street, Cincinnati, OH 45202; and send a copy to the City of Cincinnati, c/o Terry Nestor, 801 Plum St., Room 214, Cincinnati, OH 45202, and/or Fax: 513-352-1515.**

**REQUEST FOR REVIEW**  
**Water in Basement Claim 12-30-2004**

**Nature of Dispute:**

On or about December 30, 2004 raw sewage backed up into the basement of 6243 Lisbon Avenue, Cincinnati, Ohio 45213. My daughter, Linda Brown, contacted CJ Hughes & Sons Plumbing to investigate the cause of the back up. The representative of CJ Hughes & Sons determined that the cause of the back up was in the street. My daughter then contacted MSD. MSD personnel came and determine that the problem was not in the pipes on my property. MSD then sent several crews with equipment who determine that cause of the back up in a main located on another street.

MSD on January 17, 2005 came to my house and made a WIB PROPERTY OFFSITE DISPOSAL REPORT (See documents, 3 sheets) and PHOTO LOG FOR WIB # 501 consisting of 3 pages. MSD personnel also took pictures (15 pages) of the items that were destroyed by the raw sewage. In addition each MSD paid A NOTCH ABOVE/Jerry N. Boggs \$880 for general cleanup, etc.

The loss I sustained was over \$44,000.

# City of Cincinnati



Office of City Solicitor

Room 214, City Hall  
801 Plum Street  
Cincinnati, Ohio 45202  
Phone (513) 352-3334  
FAX (513) 352-1515

J. Rita McNeil  
*City Solicitor*

April 27, 2007

Linda Woodford  
Betty Brown  
6423 Libson Avenue  
Cincinnati, Ohio 45213

**Re: Water in Basement Claim 12-30-2004**

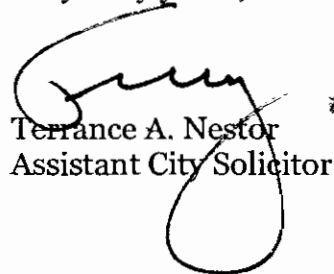
Dear Ms. Woodford and Ms. Brown:

The MSD has provided this office with the information necessary to evaluate your claim for damages as a result of the incident that occurred on or around December 30, 2004 at your Libson Avenue property. The incident on that day required the MSD to investigate the source of the blockage to the sewer. The MSD's excavation determined that the cause of the backup to your basement was tree roots in the house lateral.

Maintenance of house laterals (the pipe between your house and the public sewer) is the responsibility of the homeowner. Accordingly, the City is denying your claim.

If you disagree with the City's disposition of your claim, in accordance with an order in the Consent Decree case, Federal Case #c-1-02-107, you may file a request for review with the Federal Court in Cincinnati, Ohio. You should file your request with 90 DAYS (by July 26, 2007) with the Clerk's Office of the Federal Court located in the Potter Stewart U.S. Courthouse, Room 103, 100 East 5<sup>th</sup> Street, Cincinnati, Ohio 45202. You may call the Ombudsman at (513) 362-2801 (Legal Aid) for further information concerning your rights.

Very truly yours,

  
Terrance A. Nestor  
Assistant City Solicitor